

11VAC10-180-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Bleeder" means a horse that has been diagnosed as suffering from exercise-induced pulmonary hemorrhage based on external or endoscopic examination by the commission veterinarian or a practicing veterinarian who is a permit holder in this or any other jurisdiction.

"Bleeder list" means a tabulation of all bleeders to be maintained by the stewards.

"Commission" means the Virginia Racing Commission.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Virginia Drug Control Act (§54.1-3400 et seq. of the Code of Virginia) or any substance included in the five classification schedules of the U.S. Uniform Controlled Substances Act (21 USC §301 et seq.).

"Furosemide list" means a tabulation of horses permitted to use the medication of furosemide on race day.

"Injectable substance" means a liquid or solid substance that may require the addition of a liquid via a needle and syringe to change it from a solid into a liquid, contained in a vial that can be accessed and administered only via a needle and syringe.

"Licensed veterinarian" means a veterinarian who holds a valid license to practice veterinary medicine and surgery under the applicable laws of the jurisdiction in which such person's practice is principally conducted.

"Milkshaking" or "bicarbonate loading" means a bicarbonate or other alkalinizing substance, administered to a horse that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission, regardless of the means of administration.

"Permitted race day substances" means only substances approved by the commission that are administered solely for the benefit and welfare of the horse, nonperformance altering, of no danger to riders/drivers, and unlikely to interfere with the detection of prohibited substances.

"Prescription substance" means any substance that is administered or dispensed by or on the order of a licensed veterinarian for the purpose of medical treatment of an animal patient when a bona fide doctor-patient relationship has been established.

"Primary laboratory" means a facility designated by the commission for the testing of test samples.

"Prohibited substance" means any drug, medication or chemical foreign to the natural horse, whether natural or synthetic, or a metabolite or analog thereof, the use of which is not expressly permitted by the regulations of the commission.

"Race day" means the 24-hour period before post-time for the race in which the horse is entered to start.

"Reference laboratory" means a facility designated by the commission for the testing of split samples.

"Substance" means any drug, medication or chemical foreign to the natural horse or human being, whether natural or synthetic, or a metabolite or analog thereof.

"Test sample" means any sample of blood, urine, saliva or tissue obtained from a horse or person for the purpose of laboratory testing for the presence of substances.

"Tubing" means the administration to a horse of any substance via a naso-gastric tube.

11VAC10-180-20. Generally.

A. Prohibited substance. No trainer shall allow a horse to appear in a race, including qualifying races or official timed workouts, when the horse contains in its system any prohibited substance, as determined by testing of blood, saliva or urine, or any other reasonable means.

B. Race day prohibitions. No person shall administer any substance to a horse on race day other than those substances expressly permitted by the commission. Substances permitted by the commission shall be administered solely for the benefit and welfare of the horse, nonperformance altering, of no danger to riders/drivers, and unlikely to interfere with the detection of prohibited substances.

C. Veterinarian treatment reports. Practicing veterinarians at the horse racing facility shall submit daily treatment reports at a time and in a manner prescribed by the commission veterinarian. The report shall contain the veterinarian's name, the name of the trainer of the horse, the name of the horse, all medications administered to the horse, diagnostic and therapeutic procedures performed, and the time and date of the administration or treatment.

1. Trainers of horses not stabled at the horse racing facility shall be responsible for submitting retroactive treatment reports to the commission veterinarian for any horse programmed to race. At a time prescribed by the commission veterinarian, the trainer shall submit to the commission veterinarian a retroactive treatment report for the seven previous days for any horse programmed to race. Reports may be electronically submitted or hand delivered to the commission veterinarian's office.

2. If a treatment report has not been received by the commission veterinarian prior to the start of a horse's race, the stewards, in their discretion, may exclude the introduction of such a treatment report into any subsequent hearing.

D. Tubing of horses prohibited. The tubing or dosing of any horse for any reason on race day is prohibited, unless administered for medical emergency purposes by a licensed veterinarian in which case the horse shall be scratched. The practice of administration of any substance, via a tube or dose syringe, into a horse's stomach on race day is considered a violation of this chapter.

1. Using or possessing the ingredients or the paraphernalia associated with forced feeding to a horse of any alkalinizing agent with or without a concentrated form of carbohydrate, or administering any substance by tubing or dose syringe on race day shall be considered a violation of this chapter.

2. Under the provisions of this subsection endoscopic examination shall not be considered a violation of this chapter.

E. Possession of needles prohibited. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision or a person possessing documentary evidence of a valid medical prescription, shall have in his possession within the enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection of any substance.

F. Possession of injectables prohibited. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure any injectable substance.

G. Prescription substances for animal use. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure of a horse racing facility any prescription substance for animal use unless:

1. The person actually possesses, within the enclosure of the horse racing facility, documentary evidence that a prescription has been issued to him for the substance by a licensed veterinarian;

2. The prescription substance is labelled with a dosage for the horse or horses to be treated with the prescription substance; and

3. The horse or horses named in the prescription are then under the care and supervision of the permit holder and are then stabled within the enclosure of the horse racing facility.

H. Possession of substances. No veterinarian or permit holder shall, without good cause, possess or administer any substance to a horse stabled within the enclosure:

1. That has not been approved by the U.S. Food and Drug Administration (FDA) for any use (human or animal), or the U.S. Department of Agriculture's Center for Veterinary Biologics; or

2. That is on the U.S. Drug Enforcement Agency's Schedule I or Schedule II of controlled substances as prepared by the Attorney General of the United States pursuant to 21 USC §§811 and 812.

I. Human use of needles and substances. Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a substance for use on his person, providing the permit holder or veterinarian possesses documentary evidence that a valid medical prescription has been issued to the permit holder or veterinarian.

Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a hypodermic syringe ~~or~~ and needle for the purpose of administering to himself a substance, provided that the permit holder has documentary

evidence that the substance can only be administered by injection and that the substance to be administered by injection has been prescribed for him.

J. Erythropoietin, Darbepoietin, Oxyglobin, Hemopure, and any analogous substances.

The possession or administration of Erythropoietin (Epogen), Darbepoietin, Oxyglobin, Hemopure, or any analogous substance that increases oxygen-carrying capacity of the blood is prohibited. Furthermore, should the analysis of a test sample detect the presence of antibodies of Erythropoietin or Darbepoietin or any analogous substance in the horse's blood that indicates a history of use of these substances, the horse shall be prohibited from racing and placed on the veterinarian's list until the horse tests negative for the presence of such antibodies.

K. Extracorporeal shockwave therapy or radial pulse wave therapy. The use of an extracorporeal shockwave therapy device or radial pulse wave therapy device is prohibited unless:

1. The therapy device is registered with the commission veterinarian;
2. The therapy device is used by a veterinarian who is a permit holder; and
3. Each use of the therapy device is reported to the commission veterinarian on the treatment report.

In no case shall a shockwave therapy device or radial pulse wave therapy device be used on a racehorse fewer than 10 days before the horse is to race.

L. Notwithstanding any other provision in this chapter, no substance of any kind may be administered to a horse within three hours of the scheduled post time for the race in which the horse is entered. To ensure uniform supervision and conformity to this regulation, the trainer shall have each horse programmed to race stabled in its assigned stall within the enclosure of the horse race facility no later than four hours prior to post time for the respective race.

11VAC10-180-60. Medications and substances.

A. Medications and substances are divided into three categories. The categories are:

1. Category 1. Substances found in this category have no generally accepted medical use in the racehorse and have a very high pharmacological potential for altering the performance of a racehorse. These substances should never be found in the horse's system through post-race testing or in the possession of any holder of a permit within the enclosure of a horse racing facility licensed by the commission. Such substances are potent stimulants of the nervous system including opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) Scheduled I and II controlled substances, and substances that are products intended to alter consciousness or the psychic state of humans.

Also included in this category are some substances, such as injectable local anesthetics, that have legitimate uses in equine medicine, but should not be found in a racehorse through post-race testing. The following groups of substances in this category are:

- a. Opiate partial agonists or agonist-antagonists;
- b. Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- c. Miscellaneous substances that might have a stimulant effect on the central nervous system (CNS);
- d. Drugs with prominent CNS depressant action;
- e. Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- f. Muscle-blocking substances that have a direct neuromuscular blocking action;
- g. Local anesthetics that have a reasonable potential for use as nerve-blocking agents (except procaine);
- h. Other biological substances or chemicals that may be used as nerve-blocking agents;  
and
- i. Erythropoietin (Epogen), Darbepoietin, Oxyglobin, Hemopure, or other blood-doping agents.

The commission, through these regulations, specifically states it will have zero tolerance for any positive test involving Category 1 substances.

2. Category 2. Substances found in this category have an accepted therapeutic use in the horse, but have a potential to enhance performance, and their presence in the horse's system is prohibited on race day. The following groups of substances are in this category:

a. Substances affecting the autonomic nervous system that do not have prominent CNS effects, but that do have prominent cardiovascular and respiratory system effects

(bronchodilators are included in this category);

b. Local anesthetics that have nerve-blocking potential but also a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the substance (procaine);

c. Miscellaneous substances with mild sedative action, such as the sleep-inducing antihistamines;

d. Primary vasodilating/hypotensive agents;

e. Potent diuretics affecting renal function and body fluid composition;

f. Nonopiate substances that have a mild central analgesic effect;

g. Substances affecting the autonomic nervous system that do not have prominent CNS, cardiovascular or respiratory effects:

(1) Substances used solely as topical vasoconstrictors or decongestants;

(2) Substances used as gastrointestinal antispasmodics;

(3) Substances used to void the urinary bladder; and

(4) Substances with a major effect on CNS vasculature or smooth muscle of visceral organs.

h. Antihistamines that do not have a significant CNS depressant effect (this does not include H1 blocking agents).

3. Category 3. Substances found in this category are therapeutic medications that are considered nonperformance enhancing, but may interfere with testing. The following groups of substances are in this category:

a. Mineral corticoid substances;

b. Skeletal muscle relaxants;

c. Anti-inflammatory substances that may reduce pains as a consequence of their anti-inflammatory actions, which include:

(1) Nonsteroidal anti-inflammatory drugs (NSAIDs);

(2) Corticosteroids (glucocorticoids); and

(3) Miscellaneous anti-inflammatory agents.

d. Anabolic or androgenic steroids, or both, and other like substances, except boldenone, stanozolol, nandrolone, and testosterone individually but not in combination (stacking or layering);

e. Less potent diuretics;

f. Cardiac glycosides and antiarrhythmics including:

(1) Cardiac glycosides;

(2) Antirhythmic agents (exclusive of lidocaine, brethium and propranolol); and

g. Topical anesthetics agents not available in injectable formulations;

h. Antidiarrheal agents; and

i. Miscellaneous substances including:

(1) Expectorants with little or no other pharmacologic action;

(2) Stomachics; and

(3) Mucolytic agents.

4. Newly developed substances not previously categorized. For the purposes of a stewards' determination if a chemical identification constitutes a positive finding, and for determining the subsequent disciplinary action, newly developed substances, not previously categorized, may be considered Category 1 substances, until a duly recognized

scientific body or regulatory racing authority determines the substance should be categorized otherwise.

B. Disciplinary actions. The stewards shall, absent mitigating circumstances specifically noted in their findings, impose the disciplinary action noted below upon a any permit holder holders, which may include practicing veterinarians, for a positive test result for one of the three categories listed in subsection A of this section. The stewards also may refer the case to the commission for further disciplinary action. The penalties are:

1. For substances in Category 1—Revocation of permit and loss of purse;
2. For substances in Category 2—Fine of not less than 6.0% of the purse, not to exceed the maximum allowed by law, and loss of purse;
3. For substances in Category 3—Fine and suspension are discretionary, relating to the specific circumstances of the case and any mitigating circumstances; loss of purse shall be imposed.
4. For cimetidine, dicoumerol, griseofulvin, isoxsuprine, ranitidine, sulfa and tetramisole--first offense: \$500 fine; second offense: \$1,500 fine and loss of purse.
5. For procaine, o-desmethyl pyrilamine--if found in urine only, first offense: \$500 fine; second offense: \$1,500 fine and loss of purse.
6. For procaine, o-desmethyl pyrilamine--if found in urine and blood, first offense: \$1,500 fine and loss of purse; second offense: after notification of first offense, \$2,500 fine and loss of purse.

7. For methylprednisolone--first offense, if found in urine only: \$250 fine, or if found in urine and blood: \$1,000 fine and loss of purse; second offense: \$2,000 fine and loss of purse.

8. For nonsteroidal anti-inflammatory substances--first offense is a \$500 fine and loss of purse; second offense: \$1,000 fine and loss of purse; and third offense: \$2,500 fine and loss of purse.

9. For two or more nonsteroidal anti-inflammatory substances, or a nonsteroidal anti-inflammatory substance and a corticosteroid substance other than methylprednisolone: \$5,000 fine and loss of purse.

10. For anabolic or androgenic steroids, or both, and other like substances, other than boldenone, stanozolol, nandrolone, and testosterone – first offense: \$ 1,000 fine and loss of purse; second offense: \$2,500 fine and loss of purse; third and subsequent offense: \$5,000 fine, loss of purse, and 15 day suspension for the trainer.

11. For any combination (stacking or layering) in any concentration of stanozolol, nandrolone, boldenone, or testosterone in a single horse -- first offense: \$500 fine; second offense: \$1,000 fine and loss of purse; third and subsequent offense: \$2,500 fine and loss of purse.

11VAC10-180-80. Permitted race day substances.

A. Generally. The following substances that have been determined to be solely for the benefit and welfare of the horse-, nonperformance altering, of no danger to riders/drivers, and unlikely to interfere with the detection of prohibited substances, may be administered to a horse on race day are:

Intravenous commercially available electrolyte solutions including calcium and magnesium, but not including bicarbonate, providing such administration is a minimum of three hours prior to the post time for that horse's race and administered under veterinary supervision within the limits of this chapter.

B. Bleeder medications. By this regulation, the Virginia Racing Commission specifically permits the use of bleeder medications in only those horses that:

1. Have been placed on the bleeders list by the stewards;
2. Have raced on furosemide in another jurisdiction and on the last previous start in a pari-mutuel race, as indicated by the past performance chart or by verification by the commission veterinarian from that racing jurisdiction, or both; or
3. Have been placed on the furosemide list by the stewards. A horse is eligible for inclusion on the furosemide list if the licensed trainer and a licensed veterinarian determine it is in the horse's best interest to race with furosemide, and the prescribed commission form is presented to the commission veterinarian prior to the close of entries for the horse's race. A horse placed on the furosemide list without demonstrating an

episode of exercise-induced pulmonary hemorrhage is not restricted from racing for the usual recovery period described in 11VAC10-180-85 D. However, any future episode of exercise-induced pulmonary hemorrhage shall be considered a reoccurrence of bleeding for the purpose of determining restrictions from racing, as provided in this chapter.

a. A trainer or owner may discontinue the administration of furosemide to his racehorse only with the permission of the stewards. The request must be submitted in writing on forms prescribed by the commission and prior to entering the horse in a race.

b. A horse removed from the furosemide list may not be placed back on the furosemide list for a period of 60 calendar days unless the horse suffers an external bleeding incident witnessed by the commission veterinarian or his designee. In such case, the horse shall be placed on the bleeders list as though that bleeding incident was a reoccurrence of bleeding and subjected to a minimum 30-day or 90-day restriction for recovery as provided in this chapter.

### C. Furosemide.

1. Procedures for usage. The use of furosemide shall be permitted by the commission only in horses eligible to receive bleeder medications and under the following circumstances:

a. Furosemide shall be administered intravenously within the enclosure of the horse race facility by a veterinarian who is a permit holder.

b. The furosemide dosage administered shall not exceed 10 ml (500 mg) and shall not be less than 3 ml (150 mg).

c. The veterinarian administering the furosemide shall deliver a furosemide treatment report to the commission no later than two hours prior to post time. The furosemide treatment report shall contain the following:

(1) The trainer's name, date, horse's name, and horse's identification number;

(2) The time furosemide was administered to the horse;

(3) The dosage level administered for this race;

(4) The barn and stall number; and

(5) The signature of the practicing veterinarian, who is a permit holder.

2. Furosemide quantification. Furosemide levels must not exceed 100 nanograms per milliliter (ng/ml) of plasma. Furosemide must be present in the plasma or urine of any horse that has been designated in the program as being treated with furosemide.

D. Disciplinary actions.

1. For the first violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section), the stewards shall issue a written reprimand to the trainer and to the practicing veterinarian, if applicable.

2. For the second violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section), the stewards shall fine the trainer, practicing veterinarian or both an amount not to exceed \$500.

3. For the third violation of the regulation pertaining to furosemide quantification (subdivision C 2 of this section) within a 12-month period, the stewards shall suspend or fine the trainer, practicing veterinarian or both.

4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which furosemide is permitted by the commission, regardless of whether or not the same horse is involved.

E. Adjunct bleeder medications. The Virginia Racing Commission permits the use of adjunct bleeder medications only in horses ~~qualified to~~ that receive ~~bleeder medications~~ furosemide as provided for in this chapter. Such medications, if administered to a horse, must be administered ~~concurrently with~~ on race day no less than three hours before post time. Permissible adjunct bleeder medications and maximum dosages are:

1. Conjugated estrogens, not to exceed 25 milligrams.

2. Aminocaproic acid, not to exceed 2.5 grams.

3. Tranexamic acid, not to exceed 1 gram.

4. Carbazochrome, not to exceed 5 milliliters.

F. Program designation. The licensee shall be responsible for designating in the program those horses racing on furosemide. The designation shall also include those horses making their first start while racing on furosemide. In the event there is an error, the licensee shall be responsible for making an announcement to be made over the public address system and taking other means to correct the information published in the program.

G. Discontinue use of furosemide. A trainer or owner may discontinue the administration of furosemide to his horse only with the permission of the stewards and prior to entering the horse in a race.

I certify that this regulation is full, true, and correctly dated.

\_\_\_\_\_  
(Signature of Certifying Official)  
David S. Lermond, Jr., Regulatory Coordinator  
Virginia Racing Commission

Date: \_\_\_\_\_